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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**
12

13 In the Matter of the Accusation Against:

Case No. *2013-260*

14 **MICHELLE ELAINE SCHUSTER, AKA**
MICHELLE ELAINE KIRCHMEIER
15 3202 Margate Place
16 Palmdale, CA 91355

A C C U S A T I O N

17 **Registered Nurse License No. 476171**

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing.

24 2. On or about March 31, 1992, the Board of Registered Nursing issued Registered
25 Nurse License Number 476171 to Michelle Elaine Schuster, aka Michelle Elaine Kirchmeier
26 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
27 the charges brought herein and will expire on April 30, 2014, unless renewed.

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1 wrote "Keflex 500mg PO QID AM", an order that does not make sense and could cause
2 confusion and a potential medication error. This order was also written on the intravenous (IV)
3 medication administration record instead of the oral (P.O.) medication administration record.

4 12. At approximately 1100, the hospital's Vice President of Nursing met with the
5 Nursing Director and Respondent. Respondent was asked whether she wanted to share anything.
6 She said that she was having a "rough go of it" because her fiancée was recently killed by a drunk
7 driver and that she had trouble sleeping. She stated that she took a "Benadryl" at 0300. When
8 asked whether she had taken any other medication, she responded "No", "just a Benadryl".

9 13. Because her supervisors had serious concerns that Respondent was not fit for duty, at
10 12 noon she was escorted to the hospital's employee health department for a drug test.
11 Respondent tested positive for Xanax. Respondent provided her supervisors a copy of the
12 prescription. On or about February 9, 2011, Respondent was placed on administrative leave from
13 the hospital, and subsequently, resigned in lieu of termination.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Use of Controlled Substance)**

16 14. Respondent is subject to disciplinary action under Code section 2762, subdivision (b),
17 on the grounds of unprofessional conduct, in that on or about February 9, 2011, Respondent used
18 a controlled substance, specifically, Xanax, to the extent that such use impaired her ability to
19 conduct with safety to the public the practice authorized by her license. Complainant refers to and
20 incorporates all the allegations contained in paragraphs 10 - 13, as though set forth fully.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct)**


23 15. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
24 in that on or about February 9, 2011, Respondent engaged in unprofessional conduct.
25 Complainant refers to and incorporates all the allegations contained in paragraphs 10 - 14, as
26 though set forth fully.
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 476171, issued to Michelle Elaine Schuster, aka Michelle Elaine Kirchmeier;
2. Ordering Michelle Elaine Schuster to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: October 10, 2012

for 

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
State of California
Complainant

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